

House Bill 233 (AS PASSED HOUSE AND SENATE)

By: Representative Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, related to revenue and taxation, so as to provide for a moratorium period during which valuation increases of property shall be limited; to provide for legislative findings; to provide for the authority for this Act; to provide for procedures, conditions, limitations, and exclusions; to provide for applicability; to provide for related matters; to provide for an effective date; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, related to revenue and taxation, is amended by adding a new chapter to read as follows:

"CHAPTER 5B

48-5B-1.

(a) The General Assembly finds that the citizens and property owners of this state are experiencing a crisis in the reduction of value of tangible property of unprecedented magnitude and that it is in the best interests of this state that immediate action be taken to secure the economic stability of all Georgians. This crisis is having a devastating effect on the economy of the State of Georgia, and this Code section is enacted in order to provide for more effective regulation and management of the finance and fiscal administration of the state and pursuant to and in furtherance of the provisions of Article III, Section IX, Paragraph II(c) of the Constitution and other provisions of the Constitution.

(b) In recognition of the emergency situation and fiscal conditions set forth in subsection (a) of this Code section and pursuant to the authority specified in subsection (a) of this Code section, for taxable years beginning on or after January 1, 2009, and continuing only until the Sunday immediately preceding the second Monday in January,

2011, a moratorium is declared on all increases in the assessed value of all classes of all subjects of property which are subject to ad valorem taxation property except as specifically permitted under this Code section. The rate of increase of the assessed value of property for county, county school district, municipal, or independent school district ad valorem tax purposes shall not exceed from one taxable year to the succeeding taxable year 0 percent except as otherwise permitted in this Code section.

(c) The limitations of this Code section shall not apply to the correction by local tax officials, pursuant to Chapter 5 of this title, of any manifest, factual error or omission in the valuation of property. The limitations of this Code section shall take effect on January 1, 2010, for any county which performed or had performed on its behalf a comprehensive county-wide revaluation of all properties in the county in 2008 or any county which in 2009 was under contract prior to February 28, 2009, to have performed on its behalf a comprehensive county-wide revaluation of all properties in the county.

(d) Nothing in this Code section shall be construed to prohibit the assessed value of property from decreasing.

(e) If property or interests therein are sold or transferred, the assessed value of such property for ad valorem tax purposes shall not exceed the most recent value established under subsection (b) of this Code section.

(f) Additions or improvements to property shall be valued for ad valorem tax purposes at their fair market value and shall be added to the owner's valuation amount under this subsection.

(g) If property is rezoned, subdivided, or combined with other property at the request of the owner of such property and the use of such property is changed to conform with the use authorized or caused by such rezoning, subdivision, or combination with other property, such property shall be valued for ad valorem tax purposes at its fair market value.

(h) Nothing in this Code section shall be construed to alter or affect in any manner the authority granted to the General Assembly under Article VII, Section II, Paragraph II of the Constitution to enact homestead exemptions.

(i) The provisions of this chapter shall not apply to real property in any county for which a local constitutional amendment has been continued in force and effect as part of the Constitution which imposes millage rate limitations regarding ad valorem property taxes with respect to real property in such county or county school district unless such local constitutional amendment is repealed.

(j) During the period of time in which this Code section is in effect, the commissioner shall continue to examine and review county tax digests as required under this chapter; provided, however, that, in the event a deficiency in the tax digest of a county is attributable directly

61 to the limitations required by this Code section, no penalties shall be levied against such
62 county regarding such deficiency.
63 (k) This chapter shall be repealed in its entirety on the second Monday in January, 2011."

64 **SECTION 2.**

65 This Act shall become effective upon its approval by the Governor or upon its becoming law
66 without such approval.

67 **SECTION 3.**

68 All laws and parts of laws in conflict with this Act are repealed.